

**Notice of Allowability**

Application No.

09/633,050

Examiner

Matthew S. Gart

Applicant(s)

ESPENES ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's Amend 5/23/2006 Int. Sum 5/23/2006.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

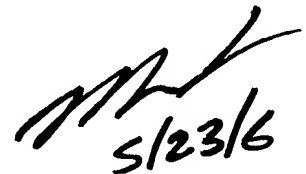
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 5/23/2006
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Greg Sueoka (Ph. 650.335.7194) on May 23<sup>rd</sup>, 2006.

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The application has been amended as follows:

***In the Title***

The title has been changed to read as follows:

--Method for refining an online marketplace selection for enhancing e-commerce--

***In the Claims***

Claim 1 has been amended as follows:

1. (currently amended) A method for refining an online marketplace selection for enhancing ~~the process of~~ e-commerce, with the assistance of computer hardware and computer software, comprising the steps of:
  - a. receiving product information into a product information database of a computer system;
  - b. mapping said product information into product categories, in a product category database in said computer system;
  - c. assigning said product information into a template, said template having an appearance and one or more features;
  - d. populating said template with said product information;
  - e. selecting a group of on-line marketplaces based on an on-line marketplace selection criterion, dynamically adjusting said template appearance and features based on said selected group of online marketplaces;
  - f. broadcasting said adjusted populated template to said group of on-line marketplaces;
  - g. dynamically generating a custom product page associated with ~~based on~~ said adjusted populated template and an identified on-line marketplace from said selected group of on-line marketplaces for an each individual product from said

Art Unit: 3625

product information database to be marketed on one or more of said on-line marketplaces;

- h. tracking activity on said broadcasted template, and recording said tracked activity in an activity database in said computer system;
- i. communicating said activity to a client; and
- j. refining the ~~an~~ on-line marketplace selection ~~criteria~~ criterion, wherein said refining further comprises analyzing product placement activity, sales transaction and e-commerce marketplace filters of one or more of said selected on-line marketplaces; optimizing an e-commerce channel mix and product offerings by placing said adjusted populated ~~product~~ template in an appropriate time and one or more of said selected ~~selection~~ on-line marketplaces based on said product placement activity and said sales transactions.

## REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

### Regarding claim 1

The prior art of record neither anticipates nor fairly and reasonably teaches a method for refining an online marketplace selection for enhancing e-commerce, the method comprising, *inter alia*, the steps of: selecting a group of online marketplaces, dynamically adjusting a template appearance and features based on said selected group of on-line marketplaces;

The most remarkable prior art of record is to Bezos (U.S. Patent No. 6,029,141) and Petterson (U.S. Patent No. 6,826,594).

Bezos discloses an Internet-based referral system that enables individuals and other business entities to market products, in return for a commission, that are sold from a merchant's Web site. Patterson discloses a method for inserting dynamic content into a web page, whereby the look and behavior of the dynamic content is defined by a plurality of modified content display attributes. Neither Patterson nor Bezos expressly disclose dynamically adjusting a template appearance. The application as originally filed defines a template as a standalone e-commerce Web site, the template as claimed is more than just a single Web page. Moreover, none of the prior art of record remedies the deficiencies found in Bezos and Patterson.

The prior art of record neither anticipates nor fairly and reasonably teaches a method for refining an online marketplace selection for enhancing e-commerce, the method comprising, *inter alia*, the step of: refining the on-line marketplace selection criterion;

The most remarkable prior art of record is to Bezos (U.S. Patent No. 6,029,141) and Petterson (U.S. Patent No. 6,826,594).

Bezos discloses an Internet-based referral system that enables individuals and other business entities to market products, in return for a commission, that are sold from a merchant's Web site. Bezos further discloses a system that allows the task of marketing products to be efficiently distributed among entities that have established reputations and exposure within their respective fields. Nowhere does Bezos anticipate nor fairly and reasonably teach refining which entities to distribute marketing responsibilities. Moreover, none of the prior art of record remedies the deficiencies found in Bezos.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**EXAMINER COMMENTS**

***Drawings***

The formal drawings filed on 8/4/2000 are acceptable (sheets 1/15 through 15/15).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Smith, U.S. Patent No. 6,502,076 B1, December 31, 2002, discloses a system and method for determining and displaying product promotions.

McBee offers Website Templates, Accounting Technology, Boston. Mar 2000, Volume 16, Issue 2, page 14

WO 02/01459, 3 January 2002, CRAWFORD, Chris, discloses an electronic network based jewelry exchange purchasing hub.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG  
Primary Examiner  
May 23, 2006

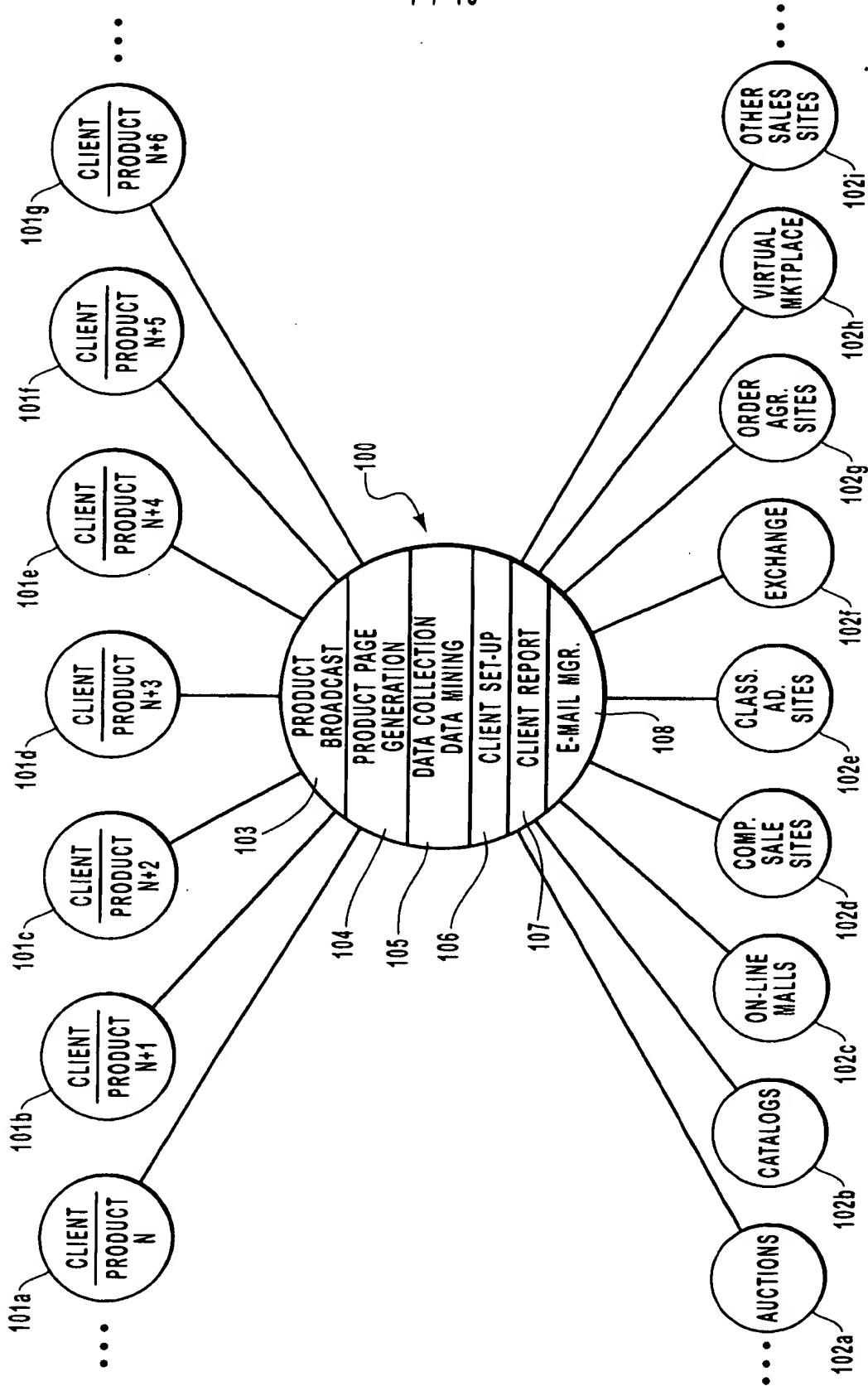


FIG. 1

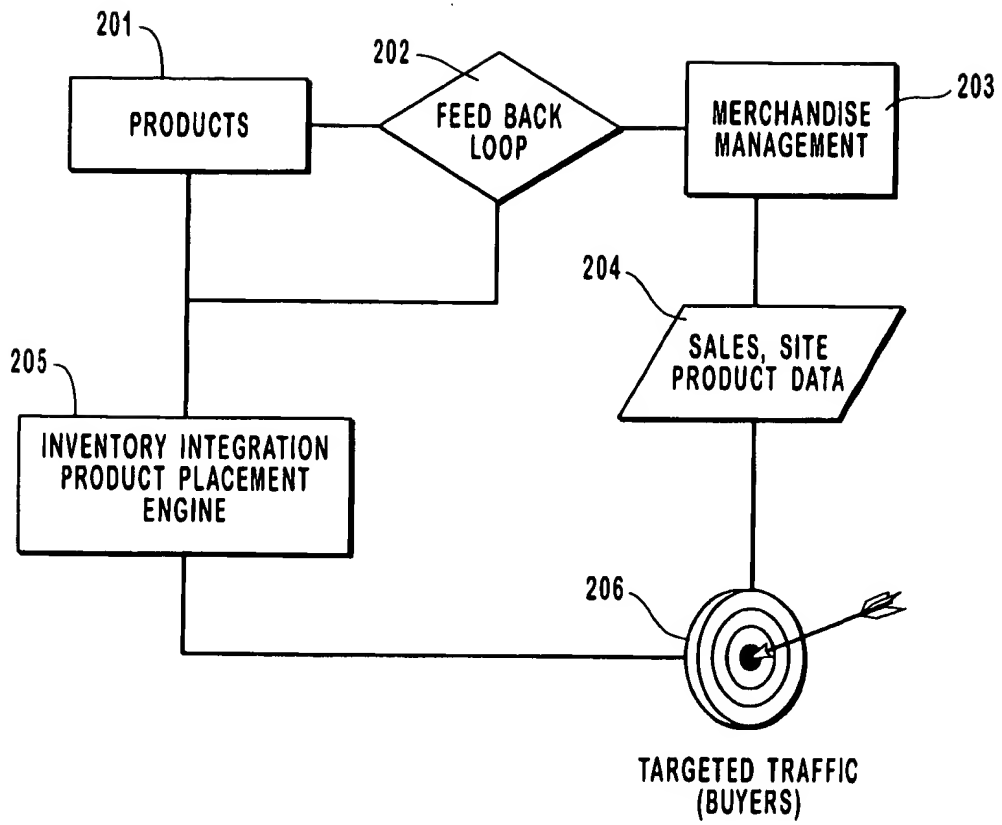


FIG. 2

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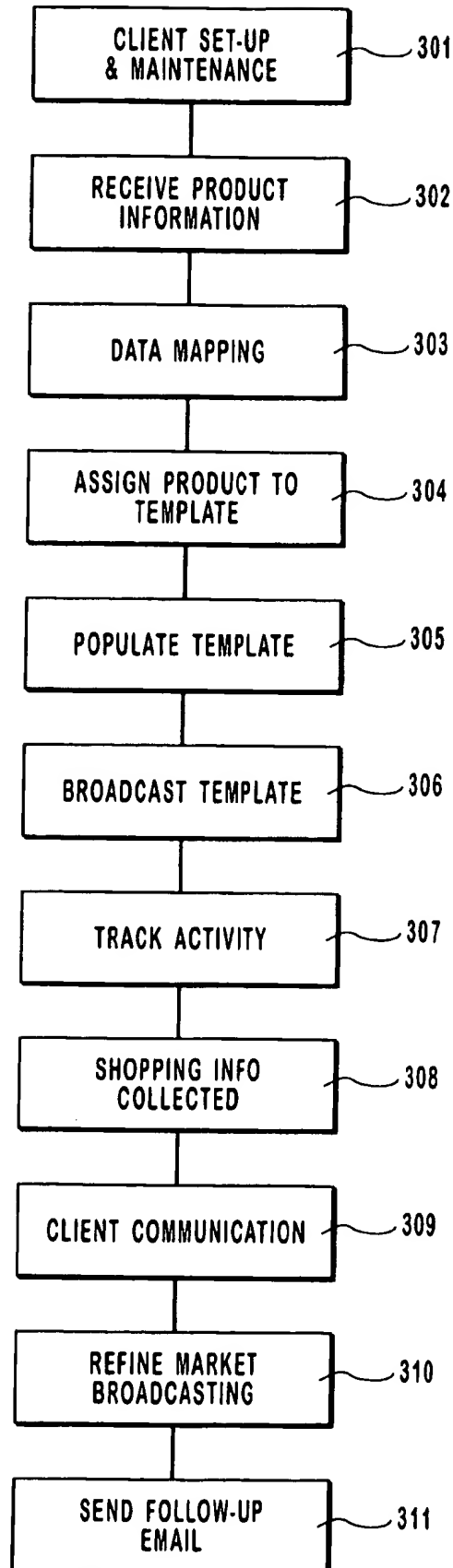
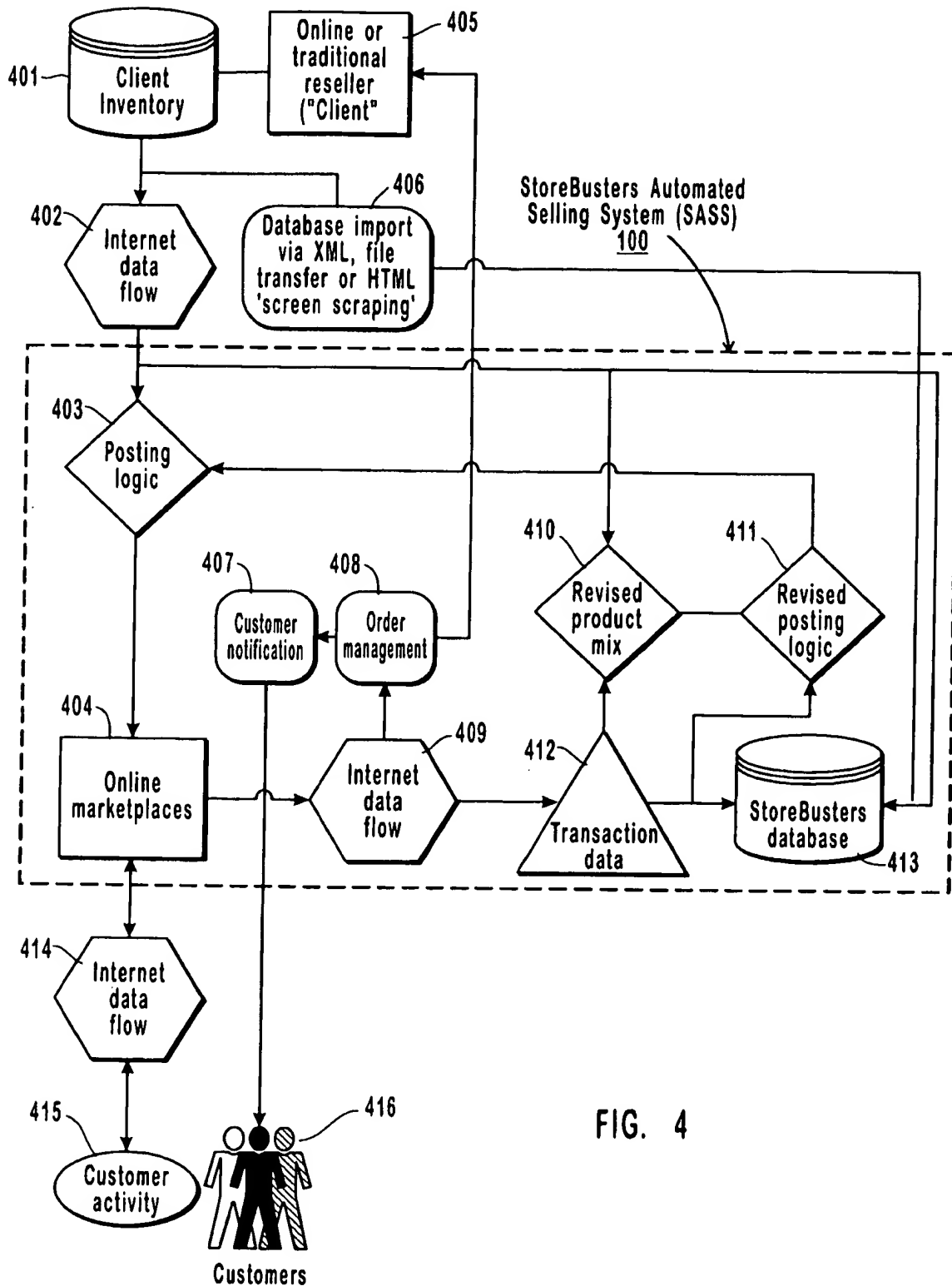


FIG. 3

Approved M.G. 5/23/6



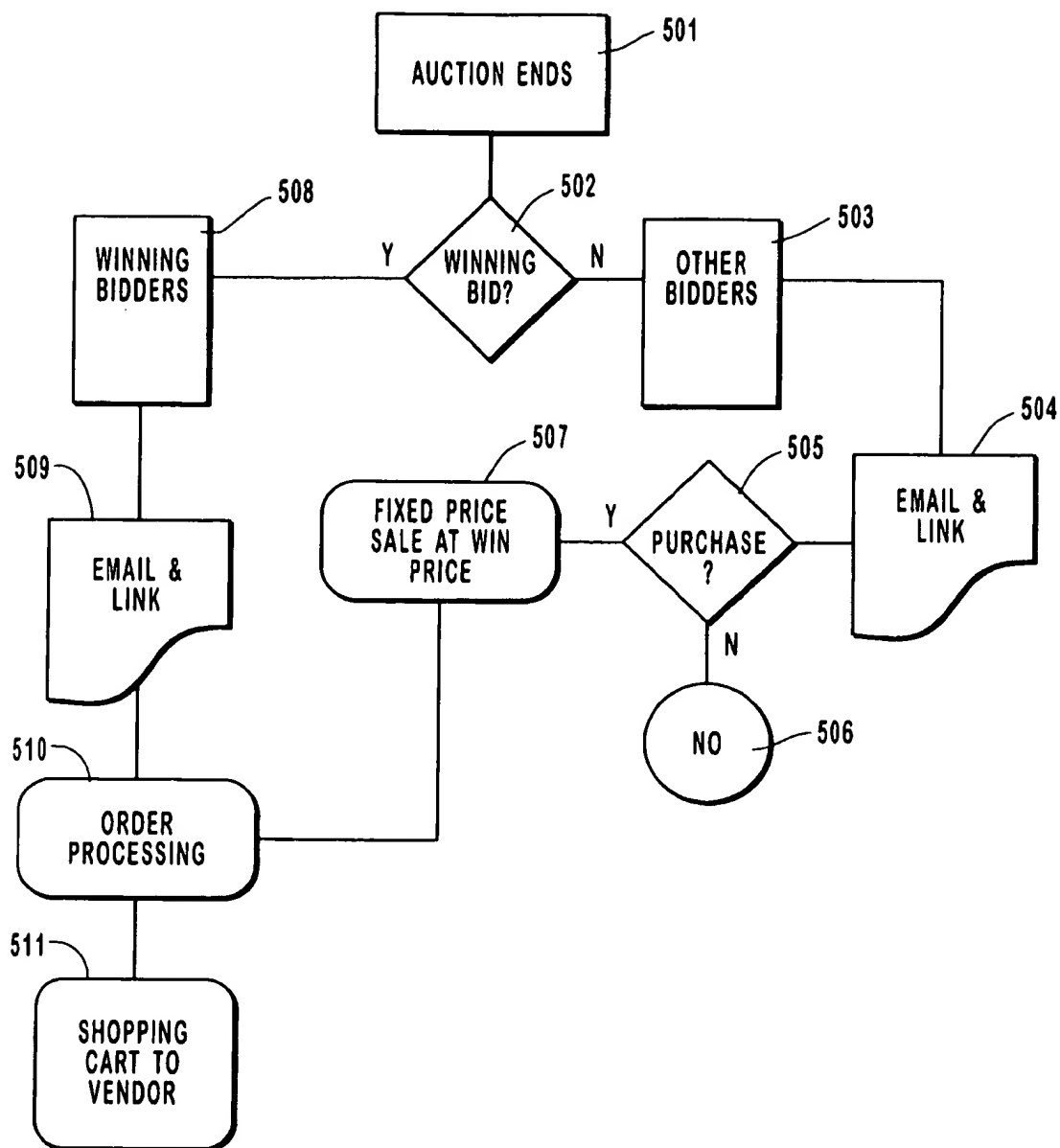


FIG. 5

Approved M.G. 5/23/6



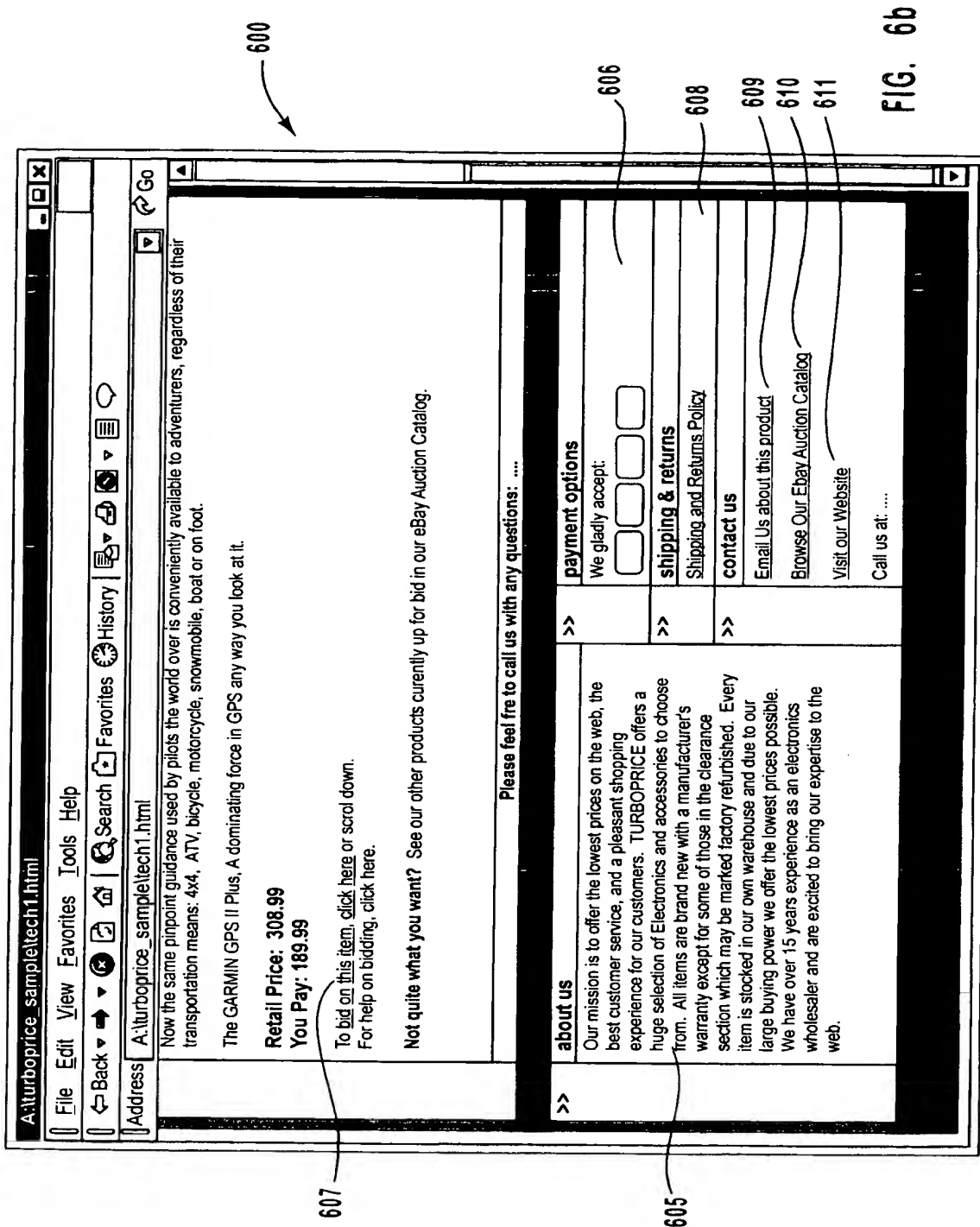


FIG. 6b



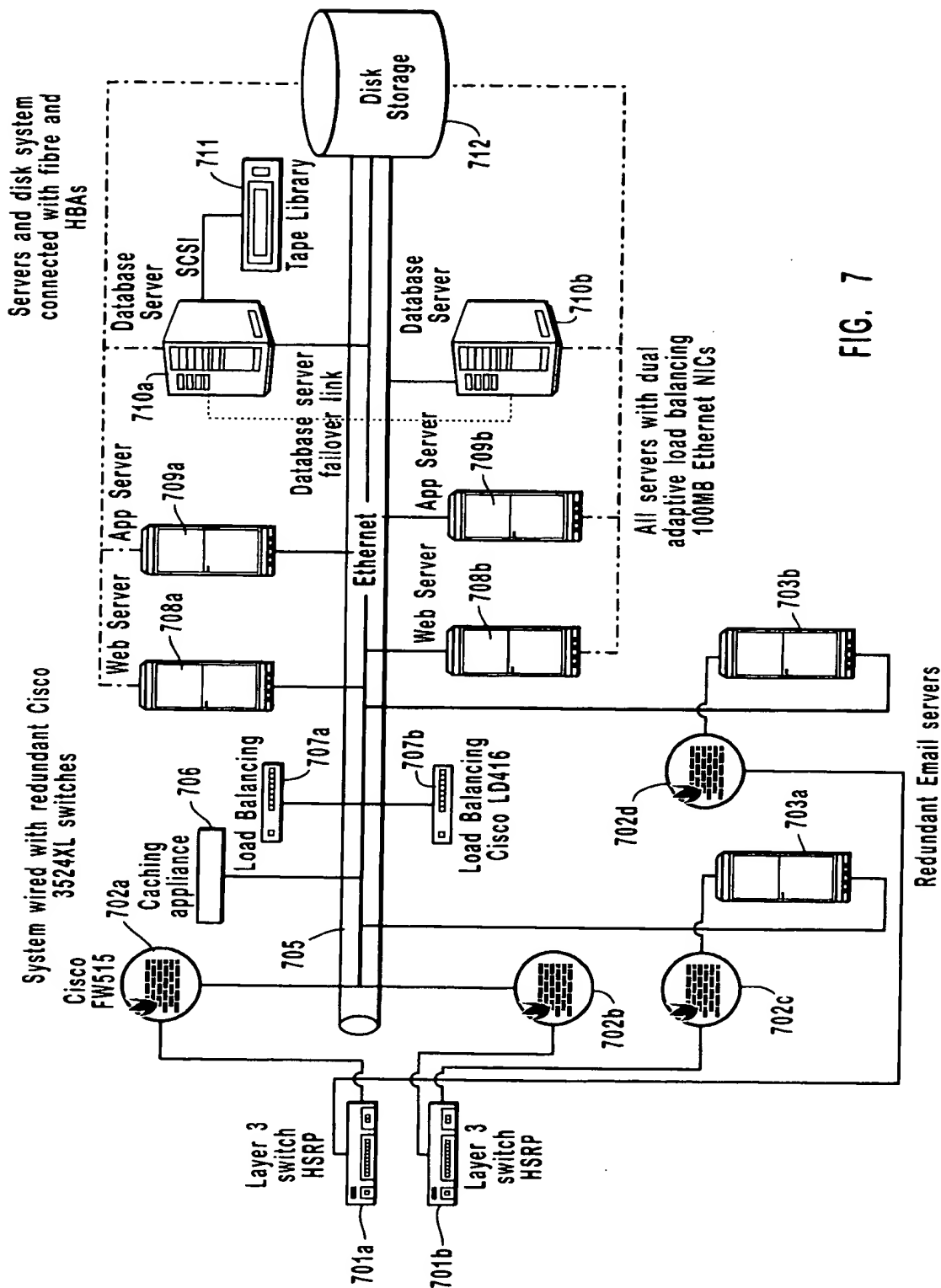
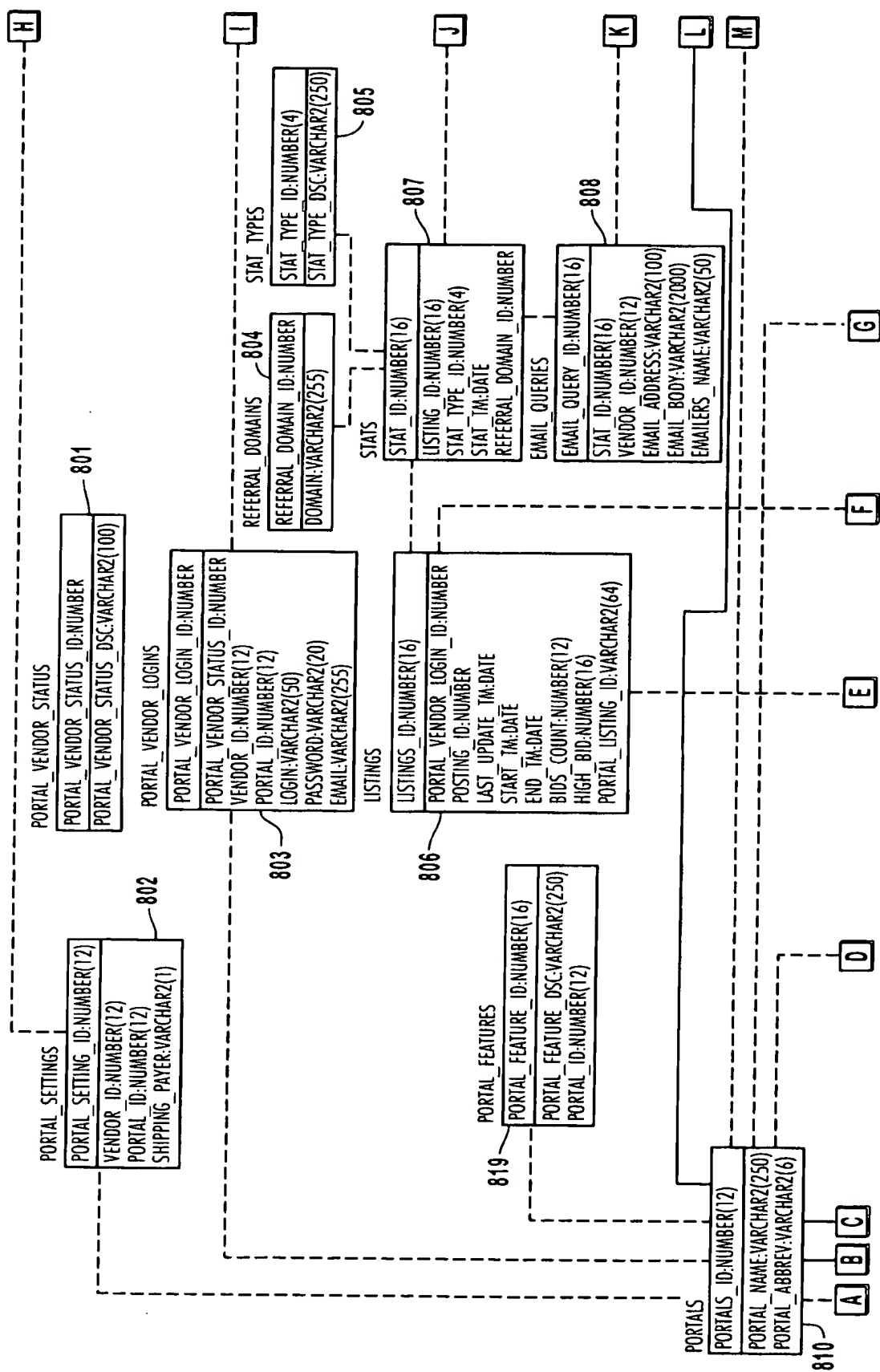
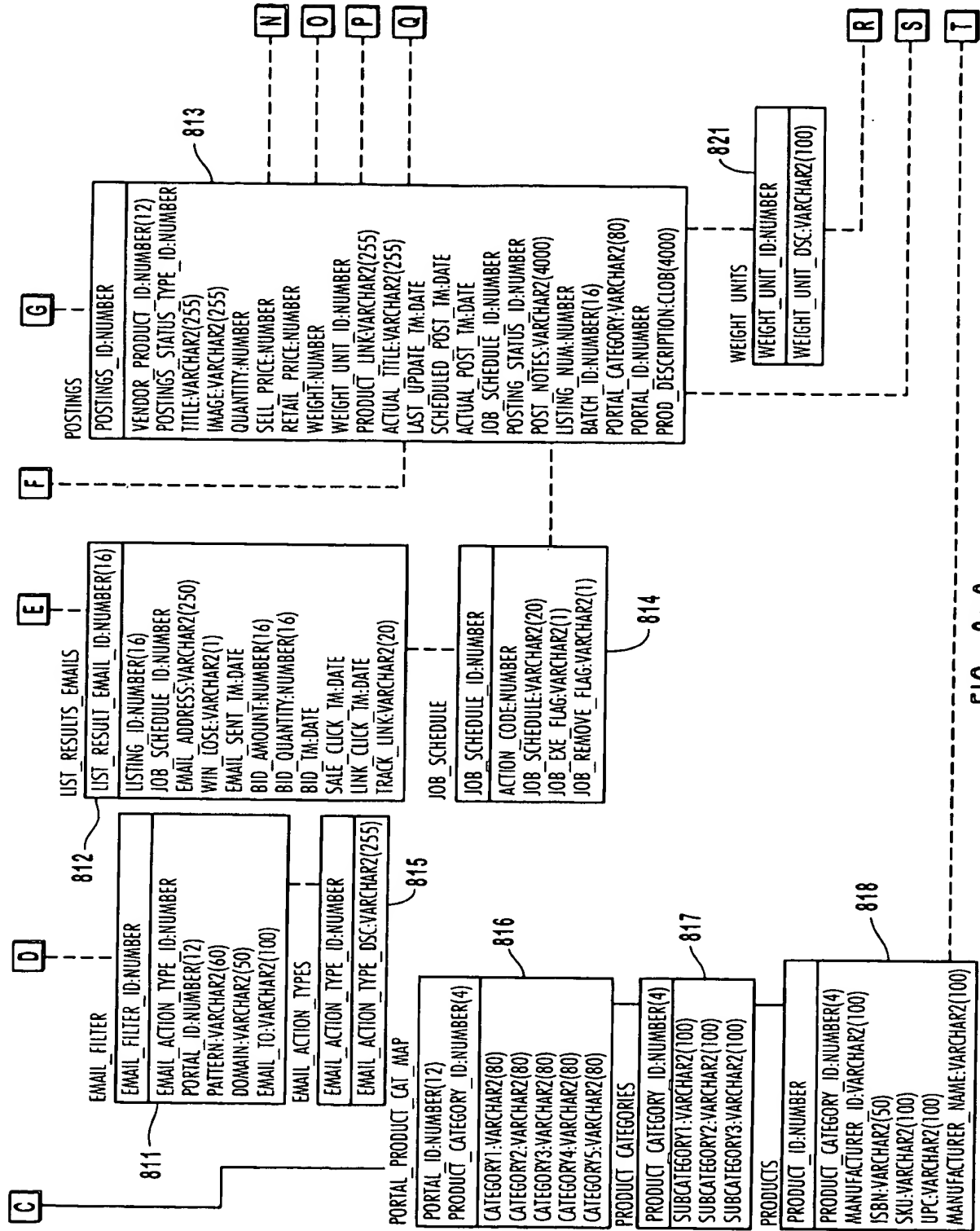


FIG. 7





**FIG. 8a-2**

Approved 11.6 5/23/16

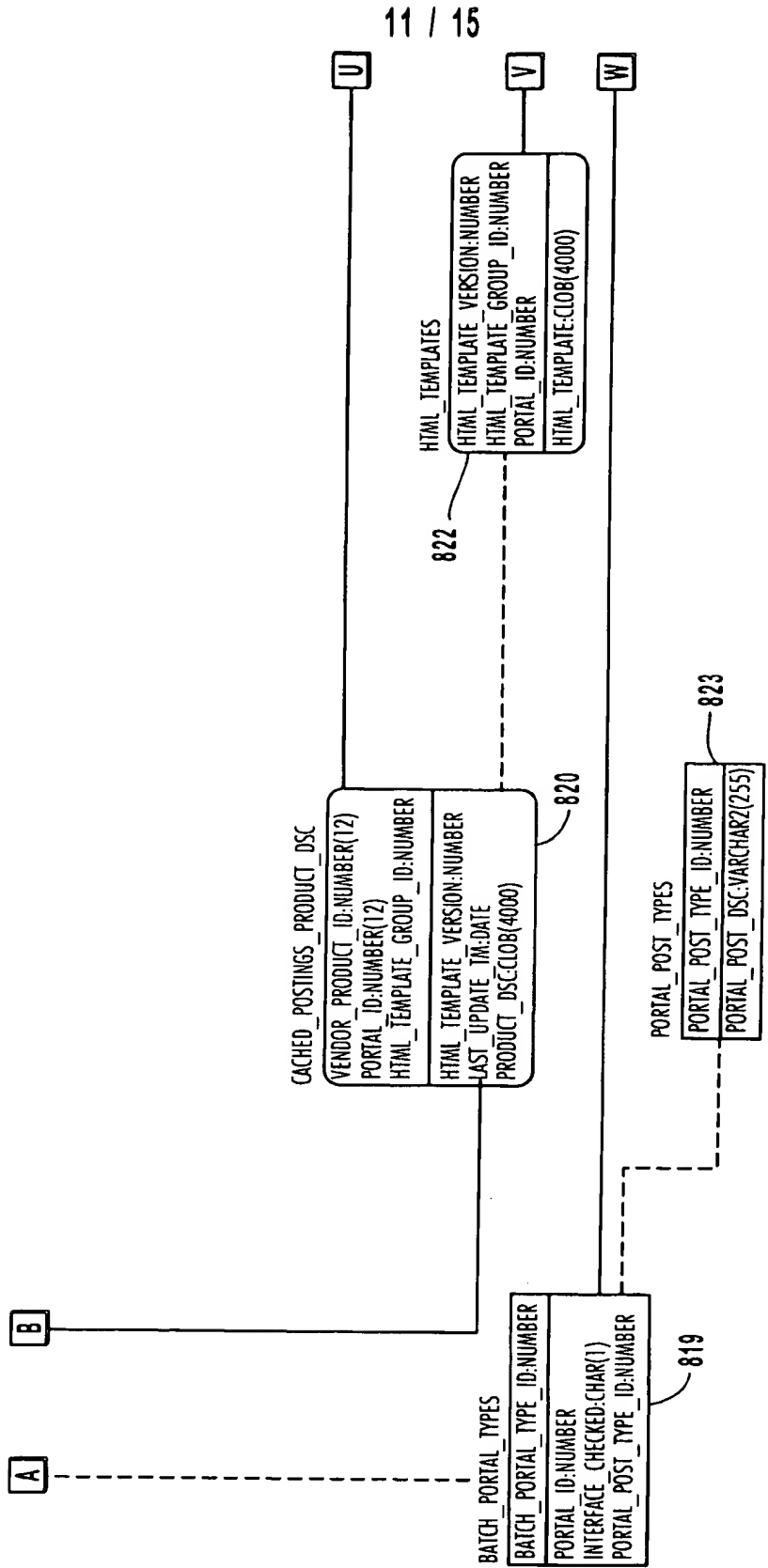


FIG. 8a-3

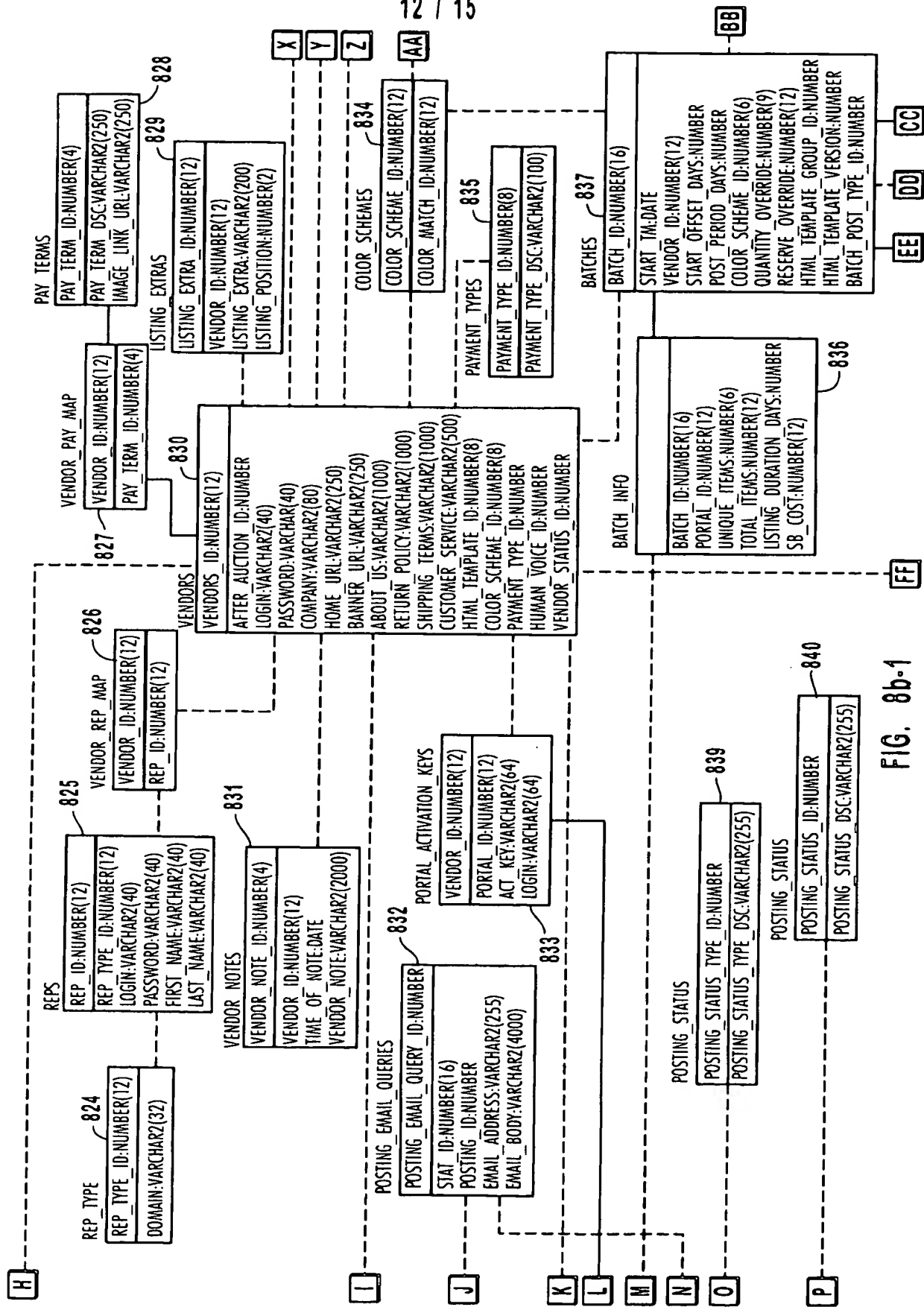


FIG. 8b-1

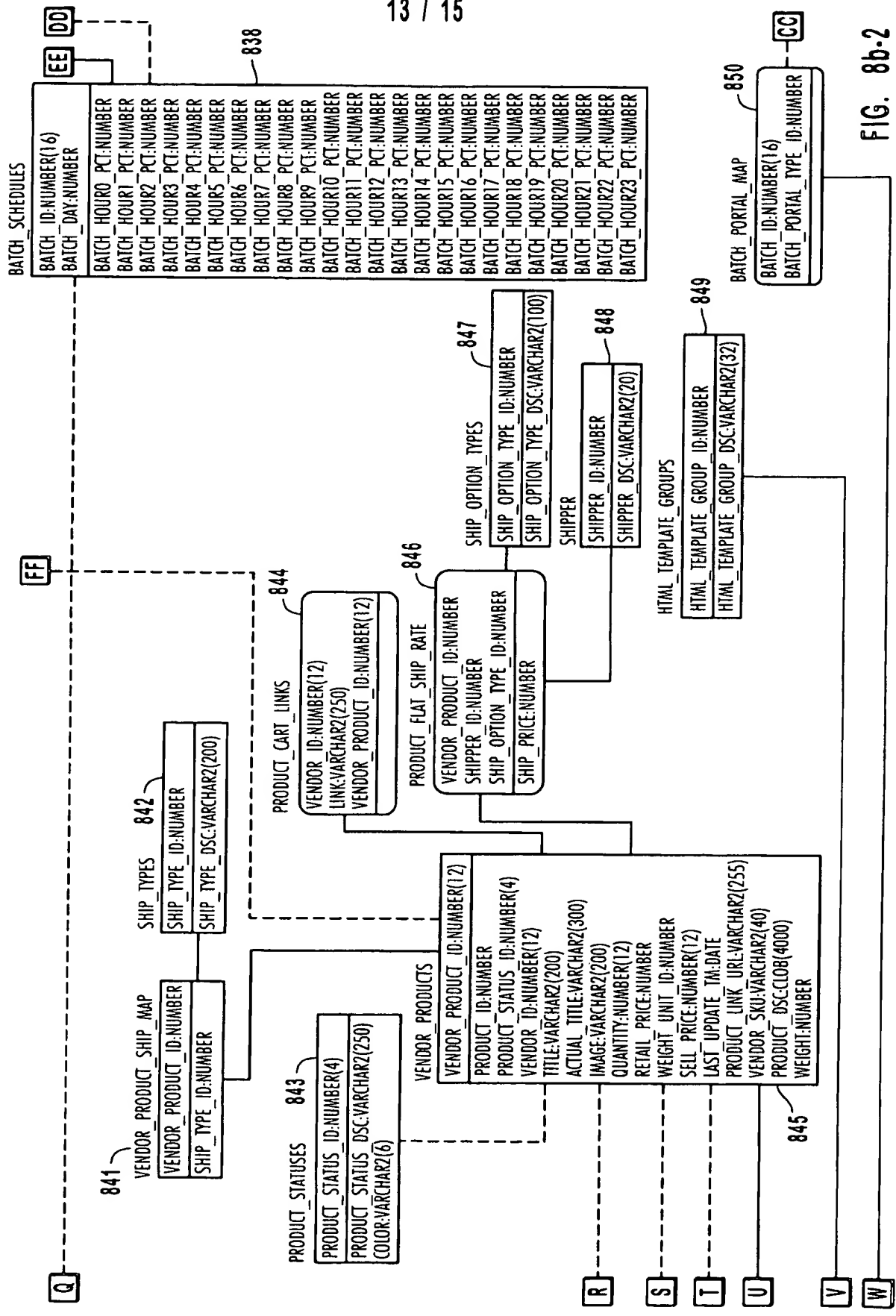


FIG. 8b-2

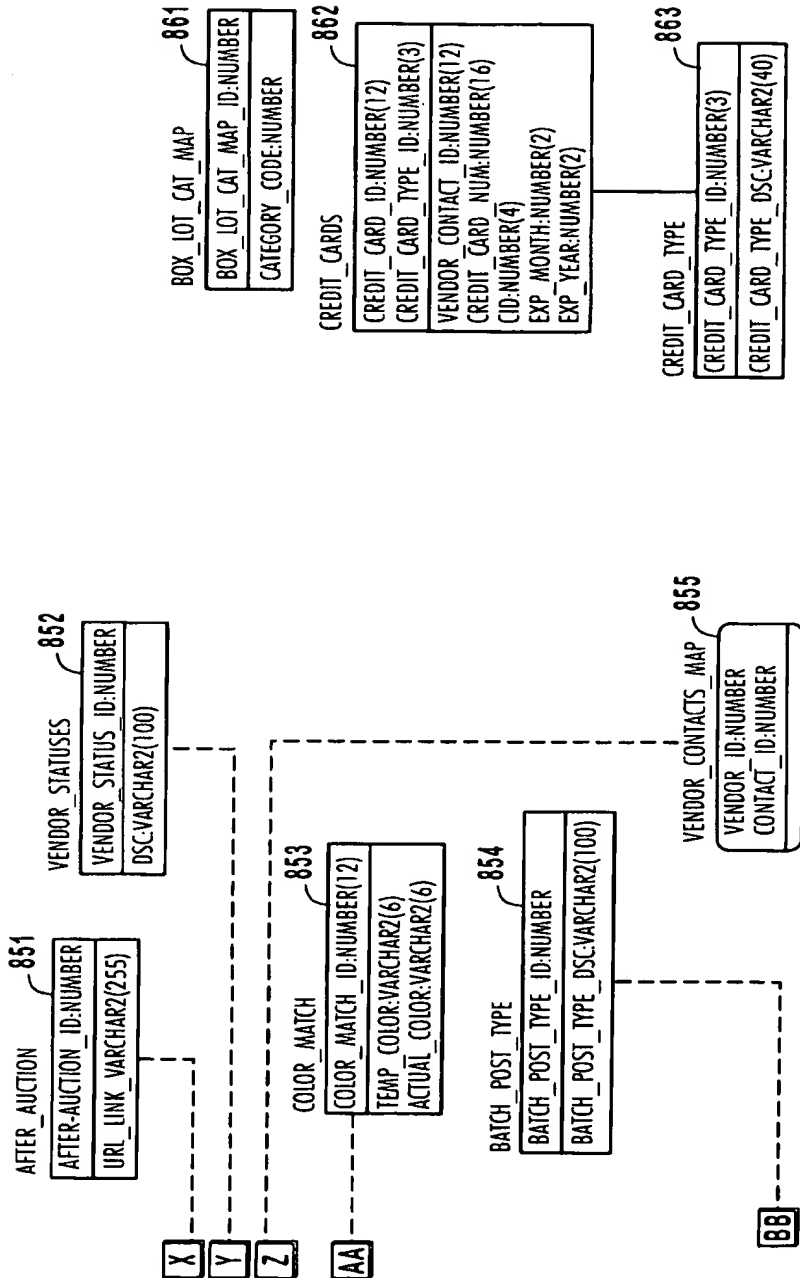


FIG. 8c-1

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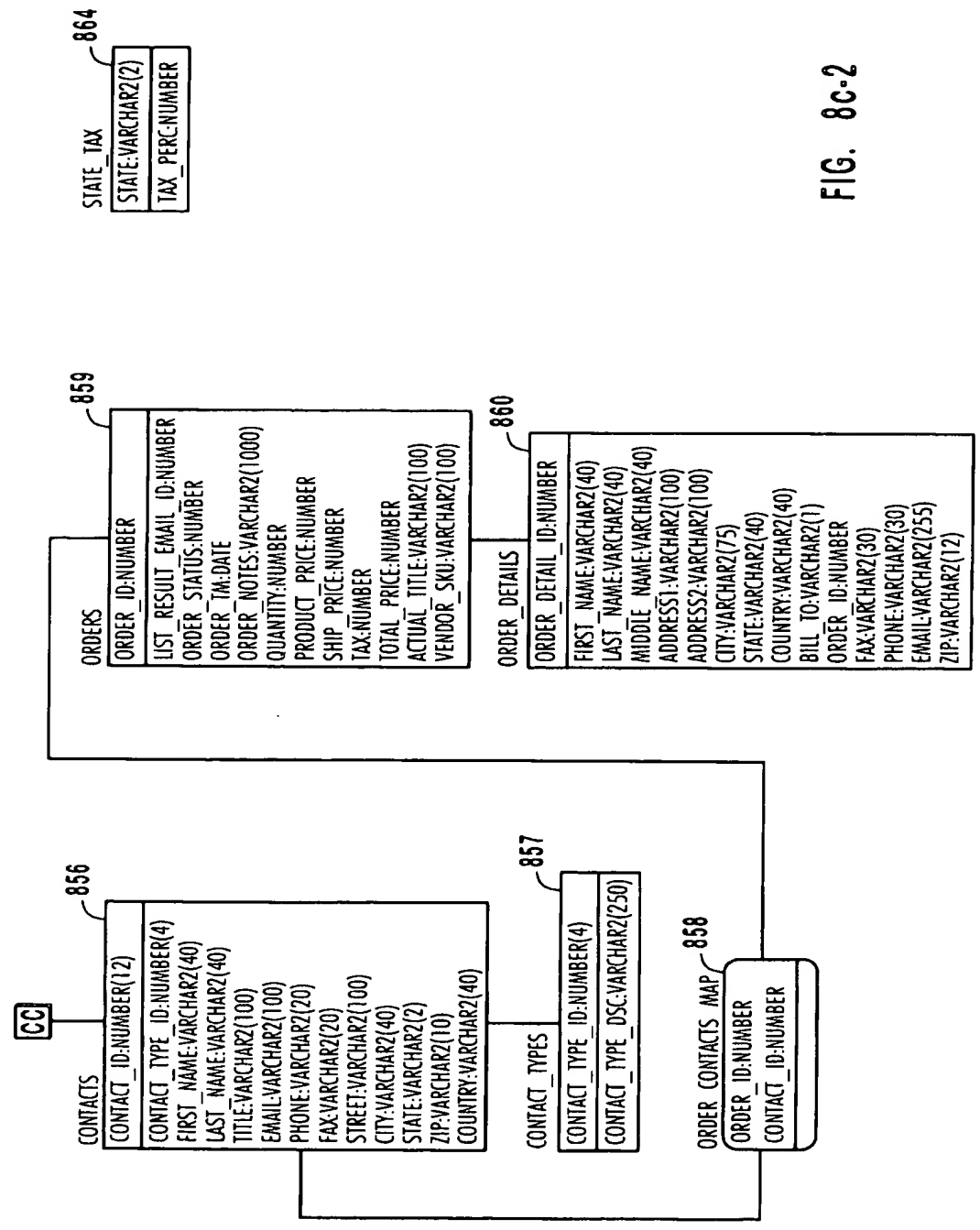


FIG. 8c-2